

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )

APPROVAL OF LOCAL RULES )

FOR BOONE COUNTY )

Case No. 06S00-1305-MS-384

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Boone Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Boone Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR06-TR79-BLR-25 complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Boone County Local Rule, LR06-TR79-BLR-25, set forth as an attachment to this Order, is approved effective May 15, 2013, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. J. Jeffrey Edens, Boone Circuit Court, 310 Courthouse Square, Lebanon, IN 46052-2159; the Hon. Matthew C. Kincaid, Boone Superior Court 1, 307 Courthouse Square, Lebanon, IN 46052-2159; the Hon. Rebecca McClure, Boone Superior Court 2, 112 Courthouse Square, Lebanon, IN 46052-2159; to the Clerk of the Boone Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Boone Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on May 23, 2013.

Brent E. Dickson  
Chief Justice of Indiana

**LR06-TR79-BLR-25**

**COORDINATED LOCAL RULE ON  
SELECTION OF SPECIAL JUDGE IN CIVIL CASES**

**209.10** Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Boone County, in conjunction with the other Courts of Administrative District 12 (Clinton County, Hamilton County, and Tipton County), have adopted the following rule to establish procedures for the selection of special judges in civil cases:

**209.20** Within seven (7) days of the notation in the Chronological Case Summary of an order granting a change of judge or an order of disqualification, the parties pursuant to Trial Rule 79(D) may agree to any judge eligible under Trial Rule 79 (J).

**209.30** If a special judge is required to be selected under Trial Rule 79(H) then the special judge shall be selected as follows:

**209.30.10** If the case was originally filed in a court of record in Hamilton County, then the judge will be selected randomly from among the regular judges and full time judicial officers of Hamilton County subject to all existing local rules regarding case allocation and transfer.

**209.30.20** If the case was originally filed in a court of record in Boone, Clinton or Tipton County, then the judge will be selected on a rotating basis from among the regular judges of those counties subject to all local rules in each individual county regarding case allocation and transfer.

**209.30.30** If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a rotating basis from among all the regular judges of the District not already disqualified.

**209.40** A special judge selected under **209.30** must accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court. The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under 209.30.20 and a list of the judges eligible for selection under 209.30.30 and shall be contacted by the selecting court each time a judge must be selected from one of those lists. The Administrator of Courts shall provide the name of the next judge on the appropriate list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all other judges have been selected from that list except as required to avoid certification to the Supreme Court.

**209.50** In the event that no judicial officer within Administrative District 12 is eligible to serve as special judge or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

*(Effective amended July 1, 2011; further amended May 15, 2013)*

**STATE OF INDIANA – COUNTY OF BOONE  
IN THE BOONE CIRCUIT AND SUPERIOR COURTS**

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**Notice of Proposed Local Rule Amendment on Special Judge Assignments in Civil  
Cases for the Courts of Record of Boone County  
April 9, 2013**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Boone Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend **LR06-TR79-BLR-25** concerning special judge assignments in civil cases and find good cause under TR 81(D) to deviate from the schedule for amending local rules. All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.

In accordance with Trial Rule 81(B), the time period for the bar and the public to **comment will begin on April 9, 2013, and will close on May 8, 2013.** The effective date of the amended rule will be **May 15, 2013.**

Comments by the bar and the public should be made in writing and mailed to:  
Judge Matthew C. Kincaid c/o Boone Superior Court I, 307 Courthouse Square,  
Lebanon, Indiana 46052 or: [jkincaid@co.boone.in.us](mailto:jkincaid@co.boone.in.us) with a re line of "local rule comments."

A paper copy of the proposed amended local rule on Special Judge Assignments in Civil Cases will be made available for viewing in the office of the Clerk of Boone County, Boone County Courthouse, 212 Courthouse Square, Lebanon, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rule at [www.in.gov/judiciary/boone](http://www.in.gov/judiciary/boone).

We further DIRECT that a copy of this proposed rule be distributed to the Boone County Bar Association and posted on the Indiana Judicial Website.

\_\_\_\_\_/S/\_\_\_\_\_  
Judge Matthew C. Kincaid  
Boone Superior Court I

\_\_\_\_\_/S/\_\_\_\_\_  
Judge Rebecca S. McClure  
Boone Superior Court II

\_\_\_\_\_/S/\_\_\_\_\_  
Judge Jeffrey J. Edens  
Boone Circuit Court